IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.796 OF 2002

IN

CHAMBER SUMONS NO.323 OF 2002

IN

SUIT NO.5427 OF 1998

Madhav Anandji Sampat and ors. ...Appellants

v/s

Surendra Chimanlal Surana and ors. ...Respondents

Mr V.P. Sawant i/b Mr H. Shroff for Appellants.

Mr A.A. Kumbhakoni with Mr Madhav J. Jamdar for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 25TH OCTOBER 2007.

P.C. :-

1. By this appeal, the appellants challenge the order passed by the learned Single Judge by which the chamber summons taken out by the respondent Nos.2 to 12 for being joined as defendants in the suit has been allowed. In view of the judgment of the Supreme Court in the case of Shah Babulal Khimji v/s Jayaben, reported in AIR 1981 SC 1787, appeal does not lie as the order impugned in the apeal cannot be called 'Judgment' within the meaning of clause 15 of the Letters Patent. It goes without saying that as the order impugned in the appeal is an interlocutory order, the appellants are free to challenge that order with the final order that may be passed in the suit, if the occasion arises. Appeal is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)